NOT FOR PUBLICATION

(Doc. Nos. 257, 265)

IN THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF NEW JERSEY CAMDEN VICINAGE

VERNON W. HILL, II, SHIRLEY HILL, and INTERARCH, INC.,

Plaintiffs, : Civil No. 09-3685 (RBK/JS)

v. : **ORDER**

COMMERCE BANCORP, INC., COMMERCE BANK, N.A., and TD BANK, N.A.,

Defendants.

THIS MATTER having come before the Court as a result of the compliance of Commerce Bancorp, Inc., Commerce Bank, N.A., and TD Bank, N.A. ("Defendants") with this Court's April 26, 2012 Order concerning Defendants' motion to seal (Doc. Nos. 257 and 265) documents related to their motion to exclude Plaintiffs' expert and their opposition to Plaintiffs' motion to exclude Defendants' expert; and

IT APPEARING TO THE COURT that the April 26, 2012 Order directed Defendants to contact the Office of the Comptroller of the Currency ("OCC") to inform the Office that the Court sought its input on whether or not to seal certain documents related to the instant litigation; and

IT FURTHER APPEARING TO THE COURT that, on May 24, 2012, Defendants informed the Court that the OCC had authorized public use of the following documents:

- Affidavit of V. Gerard Comizio, ¶¶ 26-29, and 39;
- Transcript of V. Gerard Comizio's deposition, at 29, 96-111, 114-15, 163-69, 192-220, 257-58, and 261-67;

- Sept. 23, 2011 Letter from Paul Allan Schott;
- Transcript of Gerard Guidice's deposition, at 76, 109-12, and 122-24;
- Transcript of Dennis DiFlorio's deposition, at 45-48, 85-88, 137-44, and 181-84;
- Transition plan submitted by Commerce Bank, N.A. to the OCC;
- Transcript of Vernon W. Hill, II's deposition, at 162-69;
- Transcript of Gregory Cowhey's deposition;
- Gregory Cowhey's expert report;
- Nov. 12, 2008 email from Kevin Lee of the OCC to Andrew Sandler, Esq.; and
- Transcript of Shirley Hill's deposition, at 89-90;

IT IS HEREBY ORDERED that any other documents marked "confidential" in conjunction with Defendants' motion to exclude experts or Defendants' opposition to Plaintiffs' motion to exclude experts, which were presented to the OCC pursuant to this Court's Order, and were not approved for public use, are to be sealed. Defendants are ordered to refile electronically, within **fourteen (14) days**, documents redacted in accordance with this Order.

Dated: 5/31/2012 /s/ Robert B. Kugler
ROBERT B. KUGLER
United States District Judge